

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Jack Vaughan

v.

Civil No. 05-cv-223-JD

Bernice A. Roy Elementary School, et al.

O R D E R

Plaintiff moves to compel further answers to interrogatories and production of documents. Defendants object.

Background

Plaintiff filed a complaint alleging as his primary claims defamation and gender discrimination arising out of termination of employment. He is proceeding pro se.

Discussion

Fed. R. Civ. P. 26(b)(1) permits discovery of unprivileged matters relevant to claims and defenses. The party seeking discovery has the burden of showing not only the relevance of the matter but also that the answers are incomplete, evasive or inadequate. Due to the number of similarly numbered interrogatories to different parties, this order will address the disputes by following the paragraph numbers of the motion - beginning with paragraph 12.

12. Denied. Relevance is not shown.

13.-16. Denied. Dr. Greenbaugh answered with respect to himself. As the questions relate to information received about teacher complaints to the principals they are duplicative of questions directed to those principals - the ones with direct knowledge of the complaints.

17. Denied. The information plaintiff says is missing is contained in answers to interrogatories 10-20.

18. Denied. Dr. Greenbaugh provided a full answer from his recollection and is not required to do an investigation interviewing other employees and reviewing their records.

19. Denied. The answer is sufficient. If plaintiff believes there are documents which would refresh his recollection showing them to him at a deposition is the appropriate discovery tool.

20. Denied. The answer is sufficient for reasons previously noted.

21. Denied.

22. Denied. The answer is fully responsive.

23. Denied. His recollection is what it is and is

responsive.

24. Denied.

25. Denied. The answer is responsive as to his involvement.

26. Denied. If the answer is false impeach him with it at trial.

27. Denied.

28. Moot in part, denied in part.

29. Denied. He has provided his recollection.

30. Moot. The list was provided.

31. Denied. Since he is retired he has no custody or control over the district's documents.

32. Denied.

33. Denied as irrelevant.

34. Denied.

35. Denied.

36. Moot in part, denied in part.

37. Denied.

38. Not applicable.

39. Denied. Irrelevant.

40. Denied. Irrelevant.

- 41. Denied. See Fed. R. Civ. P. 33(d).
- 42. Denied. The answer is responsive.
- 43. Denied. The answer is responsive.
- 44. Denied. The questions as posed were answered.
- 45. Denied.
- 46. Denied.
- 47.-48. Moot.
- 49. Denied. Documents used were attached.
- 50. Denied. Irrelevant.
- 51. Denied. Irrelevant.
- 52. Moot.
- 53. Denied.
- 54. Not applicable.
- 55. Denied. Irrelevant.
- 56. Denied. Irrelevant.
- 57. Denied. See Fed. R. Civ. P. 33(d).
- 58. Denied. If plaintiff believes the answer is not correct he may seek to impeach at trial.
- 59. Denied.
- 60. Denied. The question and answer do not appear to have been filed with the court.

61. Denied. The answer is adequate.

62. Denied. Irrelevant.

63.-64. Denied. Irrelevant.

65. Denied.

66. Denied. The answer is responsive.

67. Denied. The answer is adequate.

68. Moot. Answer was provided more fully in April 5th correspondence.

69. Denied.

70.-71. Moot.

72. Denied.

73. Denied. Irrelevant.

74. Denied. Irrelevant.

75. Denied. Previously supplied.

76. Granted. The question refers to provisions which were relied upon. That does not call for provision of legal research.

77. Granted. Provide a faculty list as of March 2004.

78. Moot.

79. Denied.

80. Moot.

81. Not applicable.

82. Denied. It is public information available to plaintiff.

83. Denied.

84. Denied.

85. Denied. Plaintiff can follow up.

86. Denied. Impeachment is plaintiff's recourse.

87. Granted as to 6-a as follows: plaintiff may view them at counsel's office and they are to be preserved for trial if deemed admissible. 6-b is denied.

88. Moot.

89. Denied.

90. Denied.

91. Denied.

92. Granted as to 12b. and 12d. Relevant as to damages.

93. Denied.

94. Denied.

95. Moot - see letter of April 20th.

96. Moot - see letter of April 20th.

97. Denied.

98. Denied. Subpoena the police.

99.-100. Denied.

101. Denied. Privileged and work product protected.

102.-103. Moot.

104.-105. Denied.

106. Denied.

107. Denied.

108.-109. Denied.

110. Denied.

111.-112. See previous video ruling.

113. Moot.

114. Moot.

115.-116. See previous ruling re damages.

117. Denied.

118. Denied.

119. Denied as there are none.

120. Denied - answer is adequate as the request was
phrased.

121.-122. Denied - unduly burdensome.

123. Denied/Moot.

124. Moot/Denied.

125. Denied.

126. Granted as to D.30a. and c. Denied as to D.30b.

127. Granted as to HUM 208.01(b)(2) and (5). Otherwise denied.

128. Granted as to citation to provision quoted.

129. Denied.

130. Denied.

131. Denied.

132. Denied - unavailable.

133. Denied - unavailable.

134. Denied - unavailable.

135. Denied - unavailable.

136. Denied - unavailable.

137. Denied - unavailable.

138.-139. Denied - unavailable.

140. Denied. No relevance shown.

141. Denied. Irrelevant and confidential.

142. Denied.

143.-144. Not applicable.

145. Denied. Impeach if untrue.

146. Denied.

147. Denied.

148. Denied - plaintiff has what defendants have and if copies aren't sufficiently legible call counsel and ask for them.

149. Denied.

150. Denied.

151. N.A.

152.-153. Denied.

154. Denied.

155. Denied.

156. See previous rulings.

157. Denied.

158. N.A.

159. Denied.

160. Moot.

161. Denied.

162. Denied.

163. N.A.

164. Denied.

165.-166. Denied.

167. Denied.

168. Denied.

169. Denied.

170. N.A.

171. See prior rulings.

172. Denied.

173. Denied.

174. Denied.

175. Denied.

176. Denied.

177. See prior rulings.

178. See prior rulings.

179. Denied.

180. Denied.

181. See prior rulings.

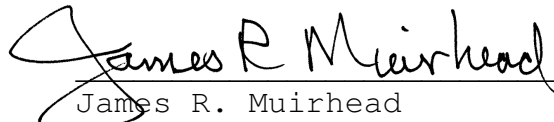
182.-186. See prior rulings.

187. N.A.

188. Plaintiff's view of the answers and of the value of interrogatories, as opposed to follow-up depositions, is simply wrong.

The motion (document no. 34) is granted in part, moot in part and denied in part.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: June 19, 2007

cc: Jack Vaughan, pro se
Debra Weiss Ford, Esq.